

Appl. No. : 10/584,111
Filed : June 23, 2006

REMARKS

In response to the Office Action mailed May 20, 2008, Applicant respectfully requests reconsideration of the application in view of the remarks set forth below.

Discussion of Patentability of Pending Claims

Claims 1-3 were rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Publication 2005-169446 (hereinafter JP '446). Claims 4 and 5 have been indicated to be allowable over the prior art of record if rewritten in independent form.

As discussed during a telephone conference with the Examiner, since the filing date (7/23/04) of the PCT application of this national phase application antedates the publication date (6/30/05) of JP '446, JP '446 is not in fact prior art under 35 U.S.C. § 102(a) with respect to all pending claims. Applicant submitted a translation of the PCT application at the time of filing of this application (June 23, 2006). However, pursuant to the Examiner's request, Applicant herewith submits a copy of the translation again. In view of the above, withdrawal of the rejections is respectfully requested.

Appl. No. : 10/584,111
Filed : June 23, 2006

CONCLUSION

In view of Applicant's foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/19/2008

By: E.M.N.

Eric M. Nelson
Registration No. 43,829
Attorney of Record
Customer No. 20,995
(619) 687-8632

5803993
081808